

## REMARKS

Claims 1, 2, 13 and 14 remain before the Examiner for reconsideration. New Claims 15 through 26 have been added. The amendments to Claim 13 are indicated in the Appendix hereto in which additions to the claim are marked by underlining and deletions from the claim are marked by bracketing.

In the final Office Action, the Examiner rejected Claims 1 and 2 under 35 U.S.C. Section 103(a) "as being unpatentable over Harkness [U.S. Patent No. 5,467,992]." Specifically, the Examiner asserted that:

Harkness discloses a device support member worn around a person's head and an attached laser light (abstract) generating a linear alignment spot of light visible to the person to provide an alignment of the person's body when in position to perform the task as stated in claims 1 and 2 (figs. 2 and 3). Harkness also discloses a cylindrical lens and positions of the lens directing the beam of light as in claim 2 (fig 4 and col 3, lines 20-26). It would have been obvious for one skilled in the art to modify the shape of the light from a spot to a beam in order to provide more light for the golfer.

In response to the Applicant's arguments set forth in the Amendment filed May 19, 2000, the Examiner asserted the following:

Applicant's arguments filed May 23, 2000 have been fully considered but they are not persuasive. The applicant argues the reference discloses a spot of light as oppose to a beam of light on the surface. A beam of light or a spot of light used for the same purpose, golfing alignment, is not patentably distinct because the two are synonymous, both provide a light source. Applicant also argues the reference does not disclose a cylindrical lens. Refer to the rejection above.

Applicant's respectfully traverse the Examiner's assertion.

Once again, Harkness discloses the use of a light spot projected onto the ground to aid a golfer in observing head movement during a golf swing. Indeed, the scope of the invention of Harkness is set forth in the abstract of Harkness as follows:

A method for using a light spot projecting aid to observe head movements during a golf swing and to provide a golfer with an explanation (i.e., cause) of the effect manifested as the light spot being moved.

(Emphasis added). To allow the user to observe such head movements, Harkness discloses attaching a light source such as a laser to a golfer's visor or hat to generate a light spot that is visible to the golfer. See, for example, Figures 1 and 2 of Harkness. Contrary to the Examiner's assertion that the method of Harkness "provide[s] an alignment of the person's body", Harkness does not even address the problem of providing information about alignment to the user of the method of Harkness.

The information provided by the method of Harkness is summarized in the Table set forth in Col 7 of Harkness as follow:

SWING STAGE			
Reference Point	Back Swing	Down Swing	Follow-Through
<b>POTENTIAL SWING FAULTS (RIGHT-HANDED SWING)</b>			
A	Weight transfer to wrong leg	Weight transfer to wrong leg	Excessive weight transfer
B	Lifting head	Lifting head	Lifting head
C	Excessive weight transfer	Excessive weight transfer	Weight transfer to wrong leg
D	Straightening up	Straightening up	Straightening up
<b>POTENTIAL SWING FAULTS (LEFT-HANDED SWING)</b>			
A	Excessive weight transfer	Excessive weight transfer	Weight transfer to wrong leg
B	Lifting head	Lifting head	Lifting head
C	Weight transfer to wrong leg	Weight transfer to wrong leg	Excessive weight transfer
D	Straightening up	Straightening up	Straightening up

All of the above information is derived from the movement of the light spot generated in the method of Harkess (resulting from movement of the head of the user) as described in Figure 10 and at col 7, lines 26-36 of Harkness.

Over the course of the entire golf swing, the light spot 16 may move through a number of positions. This would indicate a combination of swing faults as identified above. A combination of swing faults would also be indicated by the light spot 16 moving between points A, B, C and D. For instance, if the light spot 16 moved to a point between points A and B during the down swing of a right-handed golfer, then the golfer is probably both lifting his head and placing his weight on the wrong leg.

The Examiner's assertion that the spot of light of Harkness and the generally linear alignment beam projected on a surface of the present invention are "used for the same purpose" is thus clearly erroneous. Nowhere, does Harkness even mention the alignment of the user of that method.

The term "alignment" is defined generally as "arrangement or position in a straight line or in parallel lines."<sup>1</sup> Although, the generally linear alignment beam of the present invention can provide information to the user of the present invention regarding movement of the person, the method of Harkness cannot provide information to the user thereof regarding the alignment of the user's body. In that regard, it is basic geometry that one cannot provide information of the alignment of a portion of a person's body (that is, the direction of a line - a one-dimensional element) using a single point (a zero-dimensional element) such as a light spot.

As set forth in Claim 1, the light source of the present invention is attached to the support member thereof in a manner to generate a generally linear, alignment beam of light on a surface visible to the person to provide to the person an indication of an alignment of a portion of the person's body. To the contrary, Harkness does not address the orientation of the light source thereof with respect to the user's body, other than to indicate that light spot 16 is directed to the hitting area. See, for example, col. , line 66 to col. 3, line 13. Depending, for example, upon how an individual is wearing the visor or hat, or how the light source of Harkness is oriented thereon, the user's body can be aligned in any number of directions, while light spot 16 is projected into the hitting area. Under the method of Harkness, however, the alignment of the user's irrelevant. Only the bulk movement of the light spot during the golf swing is relevant.

The present invention is, for example, particularly useful to provide assistance to a person in achieving proper alignment of a portion of the person's body in a desired direction when the person is in position to execute a golf stroke. In this embodiment of the present invention, the light source preferably generates a generally linear, alignment beam of light on a surface visible to the person that is generally parallel to a line passing transversely through the portion of the person's body (for example,

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<sup>1</sup> *The American Heritage Dictionary of the English Language, Third Edition (Electronic Addition)* Houghton Mifflin Company (1992).

generally parallel to the frontal plane) to provide to the person an indication of the alignment of the portion of the person's body. For example, in a putting stroke, it is believed that the eyes should be aligned (or that a line running transversely through the eyes should be aligned) generally parallel to the target line. Unlike Harkness, the present invention provides such information of alignment to the user. New Claims 15 through 26 are drawn to such embodiments of the present invention. For the reasons set forth above, Harkness does not render Claims 15 through 26. Once again, Harkness cannot provide information on alignment via the projection of a single point of light having generally indeterminate origin with respect the orientation of the light source relative to the body's orientation.

One manner of producing a generally linear beam of light upon a surface as disclosed in the present invention is to position a generally cylindrical lens transverse to a light beam emanating from a light source such as a laser. Contrary to the Examiner's assertion, Harkness does not disclose or suggest a generally cylindrical lens positioned transversely to a light beam emanating from the laser to create a planar beam of light which forms the generally linear, alignment beam as claimed in the present invention. Once again, Harkness merely discloses a lens 15 that "may be fastened to the free end of the laser 14 to further focus the light spot 16 if desired." Col. 3, lines 24-26. The Examiner has not and cannot point out where in the disclosure of Harkness (and, particularly at col. 3, lines 20-26 referenced by the Examiner) a cylindrical lens positioned transversely to a light beam emanating from the laser is disclosed or suggested.

Once again, Applicant is the first to generate or project a generally linear beam of light from a light source attached to a person onto a surface to provide a simple, visual indication of the alignment of the person's body that can be easily seen by the person in real time. This result is a significant improvement in the art.

In view of the above amendments and remarks, the Applicant respectfully requests that the Examiner withdraw the rejection of the claims, indicate the allowability of Claims 1, 2, and 13-26 and arrange for an official Notice of Allowance to be issued in due course.

Respectfully submitted,

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## Appendix

### **Version with markings to show changes made**

13. (Once Amended) The device of Claim 1 wherein the support member is adapted to be worn on the head of the person so that alignment beam of light provides an indication of alignment of a line running transversely through the person's eyes.